

(1) by striking “A railroad carrier” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), a railroad carrier”; and

(2) by adding at the end the following:

“(2) TEMPORARILY OBSCURING FIELD OF VIEW OF AN IMAGE RECORDING DEVICE WHILE EXPRESSING BREAST MILK.—

“(A) IN GENERAL.—For purposes of expressing breast milk, an employee may temporarily obscure the field of view of an image recording device required under this section if the passenger train on which such device is installed is not in motion.

“(B) RESUMING OPERATION.—The crew of a passenger train on which an image recording device has been obscured pursuant to subparagraph (A) shall ensure that such image recording device is no longer obscured immediately after the employee has finished expressing breast milk and before resuming operation of the passenger train.”.

SEC. 103. EFFECTIVE DATE.

(a) EXPANDING ACCESS.—The amendments made by section 102(a) shall take effect on the date of enactment of this Act.

(b) REMEDIES AND CLARIFICATION.—The amendments made by section 102(b) shall take effect on the date that is 120 days after the date of enactment of this Act.

(c) AUTHORIZING EMPLOYEES TO TEMPORARILY OBSCURE THE FIELD OF VIEW OF AN IMAGE RECORDING DEVICE ON A LOCOMOTIVE OR ROLLING STOCK WHILE EXPRESSING BREAST MILK.—The amendments made by section 102(c) shall take effect on the date of enactment of this Act.

(d) APPLICATION OF LAW TO EMPLOYEES OF RAIL CARRIERS.—

(1) IN GENERAL.—Section 18D of the Fair Labor Standards Act of 1938 (as added by section 102(a)) shall not apply to employees who are members of a train crew involved in the movement of a locomotive or rolling stock or who are employees who maintain the right of way of an employer that is a rail carrier until the date that is 3 years after the date of enactment of this Act.

(2) DEFINITIONS.—In this subsection:

(A) EMPLOYEE; EMPLOYER.—The terms “employee” and “employer” have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(B) EMPLOYEES WHO MAINTAINS THE RIGHT OF WAY; RAIL CARRIER; TRAIN CREW.—The terms “employee who maintains the right of way”, “rail carrier”, and “train crew” have the meanings given such terms in section 18D(e)(4) of the Fair Labor Standards Act of 1938, as added by section 102(a).

(c) APPLICATION OF LAW TO EMPLOYEES OF MOTORCOACH SERVICES OPERATORS.—

(1) IN GENERAL.—Section 18D of the Fair Labor Standards Act of 1938 (as added by section 102(a)) shall not apply to employees who are involved in the movement of a motorcoach of an employer that is a motorcoach services operator until the date that is 3 years after the date of enactment of this Act.

(2) DEFINITIONS.—In this subsection:

(A) EMPLOYEE; EMPLOYER.—The terms “employee” and “employer” have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(B) MOTORCOACH; MOTORCOACH SERVICES OPERATOR.—The terms “motorcoach” and “motorcoach services operator” have the meanings given such terms in section 18D(f)(4) of the Fair Labor Standards Act of 1938, as added by section 102(a).

SA 6596. Mr. GRAHAM (for himself, Mr. WHITEHOUSE, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R.

2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

On page 1857, after line 23, add the following:

SEC. 1708. (a) The Attorney General may transfer to the Secretary of State the proceeds of any covered forfeited property for use by the Secretary of State to provide assistance to Ukraine to remediate the harms of Russian aggression towards Ukraine. Any such transfer shall be considered foreign assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), including for purposes of making available the administrative authorities and implementing the reporting requirements contained in that Act.

(b) Not later than 15 days after any transfers made pursuant to subsection (a), the Attorney General, in consultation with the Secretary of the Treasury and the Secretary of State, shall submit a report describing such transfers to the appropriate congressional committees.

(c) In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on the Judiciary of the House of Representatives;

(F) the Committee on Foreign Affairs of the House of Representatives;

(G) the Committee on Financial Services of the House of Representatives; and

(H) the Committee on Appropriations of the House of Representatives.

(2) The term “covered forfeited property” means property forfeited under chapter 46 or section 1963 of title 18, United States Code, which property belonged to, was possessed by, or was controlled by a person subject to sanctions and designated by the Secretary of the Treasury or the Secretary of State, or which property was involved in an act in violation of sanctions enacted pursuant to Executive Order 14024, and as expanded by Executive Order 14066 of March 8, 2022, and relied on for additional steps taken in Executive Order 14039 of August 20, 2021, and Executive Order 14068 of March 11, 2022.

(d) The authority under this section shall apply to any covered forfeited property forfeited on or before May 1, 2025.

SA 6597. Ms. KLOBUCHAR (for herself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

Strike division GG and insert the following:

DIVISION GG—MERGER FILING FEE MODERNIZATION

SEC. 101. SHORT TITLE.

This division may be cited as the “Merger Filing Fee Modernization Act of 2022”.

TITLE I—MODERNIZING MERGER FILING FEE COLLECTIONS; ACCOUNTABILITY REQUIREMENTS; LIMITATION ON FUNDING

SEC. 101. MODIFICATION OF PREMERGER NOTIFICATION FILING FEES.

Section 605 of Public Law 101–162 (15 U.S.C. 18a note) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “\$45,000” and inserting “\$30,000”;

(ii) by striking “\$100,000,000” and inserting “\$161,500,000”;

(iii) by striking “2004” and inserting “2023”; and

(iv) by striking “2003” and inserting “2022”;

(B) in paragraph (2)—

(i) by striking “\$125,000” and inserting “\$100,000”;

(ii) by striking “\$100,000,000” and inserting “\$161,500,000”;

(iii) by striking “but less” and inserting “but is less”; and

(iv) by striking “and” at the end;

(C) in paragraph (3)—

(i) by striking “\$280,000” and inserting “\$250,000”; and

(ii) by striking the period at the end and inserting “but is less than \$1,000,000,000 (as so adjusted and published);”; and

(D) by adding at the end the following:

“(4) \$400,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than \$1,000,000,000 (as so adjusted and published) but is less than \$2,000,000,000 (as so adjusted and published);

“(5) \$800,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than \$2,000,000,000 (as so adjusted and published) but is less than \$5,000,000,000 (as so adjusted and published); and

“(6) \$2,250,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than \$5,000,000,000 (as so adjusted and published).”; and

(2) by adding at the end the following:

“(c)(1) For each fiscal year commencing after September 30, 2023, the filing fees in this section shall be increased by an amount equal to the percentage increase, if any, in the Consumer Price Index, as determined by the Department of Labor or its successor, for the year then ended over the level so established for the year ending September 30, 2022.

“(2) As soon as practicable, but not later than January 31 of each year, the Federal Trade Commission shall publish the adjusted amounts required by paragraph (1).

“(3) The Federal Trade Commission shall not adjust amounts required by paragraph (1) if the percentage increase described in paragraph (1) is less than 1 percent.

“(4) An amount adjusted under this section shall be rounded to the nearest multiple of \$5,000.”.

SEC. 102. REPORTING REQUIREMENTS FOR MERGER FEE COLLECTIONS.

(a) FTC AND DOJ JOINT REPORT.—For each of fiscal years 2023 through 2027, the Federal Trade Commission and Department of Justice shall jointly and annually report to the Congress on the operation of section 7A of the Clayton Act (15 U.S.C. 18a) and shall include in such report the following:

(1) The amount of funds made available to the Federal Trade Commission and the Department of Justice, respectively, from the premerger notification filing fees under this section, as adjusted by the Merger Filing Fee Modernization Act of 2022, as compared to the funds made available to the Federal Trade Commission and the Department of

Justice, respectively, from premerger notification filing fees as the fees were determined in fiscal year 2022.

(2) The total revenue derived from premerger notification filing fees, by tier, by the Federal Trade Commission and the Department of Justice, respectively.

(3) The gross cost of operations of the Federal Trade Commission, by Budget Activity, and the Antitrust Division of the Department of Justice, respectively.

(b) **FTC REPORT.**—The Federal Trade Commission shall include in the report required under subsection (a), in addition to the requirements under subsection (a), for the previous fiscal year—

(1) for actions with respect to which the record of the vote of each member of the Federal Trade Commission is on the public record of the Federal Trade Commission, a list of each action with respect to which the Federal Trade Commission took or declined to take action on a 3 to 2 vote; and

(2) for all actions for which the Federal Trade Commission took a vote, the percentage of such actions that were decided on a 3 to 2 vote.

(c) **SUMMARY.**—The Federal Trade Commission and the Department of Justice shall make the report required under subsection (a) available to the Committees on the Judiciary of the House of Representatives and of the Senate, and shall, for fiscal years 2023 through 2027, no later than July 1, present a summary of the joint annual report for the preceding fiscal year, including the information required in subsections (a) and (b) of this section, to the Committees on the Judiciary of the House of Representatives and of the Senate.

TITLE II—DISCLOSURE OF SUBSIDIES BY FOREIGN ADVERSARIES

SEC. 201. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds the following:

(1) Foreign subsidies, which can take the form of direct subsidies, grants, loans (including below-market loans), loan guarantees, tax concessions, preferential government procurement policies, or government ownership or control, can distort the competitive process by enabling the subsidized firm to submit a bid higher than other firms in the market, or otherwise change the incentives of the firm in ways that undermine competition following an acquisition.

(2) Foreign subsidies are particularly problematic when granted by countries or entities that constitute a strategic or economic threat to United States interests.

(3) The Made in China 2025 plan, states that the Chinese Communist Party will “support enterprises to carry out mergers and acquisitions (M&A), equity investment, and venture capital overseas”.

(4) The 2020 report to Congress from the bipartisan U.S.-China Economic and Security Review Commission concluded that the Chinese Government subsidizes companies with a goal of their expanding into the United States and other countries, finding that “[t]his process assists Chinese national champions in surpassing and supplanting global market leaders”. The report warns that the risk is particularly acute when it comes to emerging technologies, where China seeks to “surpass and displace the United States altogether [and that] [f]ailure to appreciate the gravity of this challenge and defend U.S. competitiveness would be dire . . . [and] risks setting back U.S. economic and technological progress for decades”.

(5) In remarks before the Hudson Institute on December 8, 2020, FTC Commissioner Noah Phillips stated, “[O]ne area where antitrust needs to reckon with the strategic in-

terests of other nations is when we scrutinize mergers or conduct involving state-owned entities . . . companies that are controlled, to varying degrees, by the state . . . [and] often are a government tool for implementing industrial policies or to protect national security”.

(b) **PURPOSE.**—The purpose of this section is to require parties providing pre-merger notifications to include in the notification required under section 7A of the Clayton Act (15 U.S.C. 18a) information concerning subsidies they receive from countries or entities that are strategic or economic threats to the United States.

SEC. 202. MERGERS INVOLVING FOREIGN GOVERNMENT SUBSIDIES.

(a) **DEFINITION.**—In this section, the term “foreign entity of concern” has the meaning given the term in section 40207 of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)).

(b) **ACCOUNTING FOR FOREIGN GOVERNMENT SUBSIDIES.**—A person required to file a notification under section 7A of the Clayton Act (15 U.S.C. 18a) that received a subsidy from a foreign entity of concern shall include in such notification content regarding such subsidy.

(c) **AUTHORITY OF ANTITRUST REGULATORS.**—The Federal Trade Commission, with the concurrence of the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice, and in consultation with the Chairperson of the Committee on Foreign Investment in the United States, the Secretary of Commerce, the Chair of the United States International Trade Commission, the United States Trade Representative, and the heads of other appropriate agencies, and by rule in accordance with section 553 of title 5, United States Code, shall require that the notification required under subsection (b) be in such form and contain such documentary material and information relevant to a proposed acquisition as is necessary and appropriate to enable the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice to determine whether such acquisition may, if consummated, violate the antitrust laws.

(d) **EFFECTIVE DATE.**—Subsection (b) shall take effect on the date on which the rule described in subsection (c) takes effect.

TITLE III—VENUE FOR STATE ANTITRUST ENFORCEMENT

SEC. 301. VENUE FOR STATE ANTITRUST ENFORCEMENT.

Section 1407 of title 28, United States Code, is amended—

(1) in subsection (g) by inserting “or a State” after “United States” and striking “; but shall not include section 4A of the Act of October 15, 1914, as added July 7, 1955 (69 Stat. 282; 15 U.S.C. 15a)”; and

(2) by striking subsection (h).

SA 6598. Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION KK—REPORTING OF THIRD PARTY NETWORK TRANSACTIONS

SEC. 1. DELAY IN MODIFICATION OF EXCEPTIONS FOR REPORTING OF THIRD PARTY NETWORK TRANSACTIONS.

Section 9674(c)(1) of the American Rescue Plan of 2021 is amended by striking “December 31, 2021” and inserting “December 31, 2022”.

SA 6599. Mr. MANCHIN (for himself, Mr. TESTER, Mr. PADILLA, Mr. BROWN, Ms. HASSAN, and Ms. SINEMA) submitted an amendment intended to be proposed by him to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION KK—REPORTING OF THIRD PARTY NETWORK TRANSACTIONS

SEC. 1. DELAY IN MODIFICATION OF EXCEPTIONS FOR REPORTING OF THIRD PARTY NETWORK TRANSACTIONS.

Section 9674(c)(1) of the American Rescue Plan of 2021 is amended by striking “December 31, 2021” and inserting “December 31, 2023”.

SA 6600. Mr. KÄINE (for himself and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

On page 410, after line 25, add the following:

SEC. 8145. REPEAL OF AUTHORIZATIONS FOR USE OF MILITARY FORCE AGAINST IRAQ.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1; 105 Stat. 3; 50 U.S.C. 1541 note), enacted on January 14, 1991 (in this preamble “the 1991 AUMF”), and the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 116 Stat. 1498; 50 U.S.C. 1541 note), enacted on October 16, 2002 (in this preamble “the 2002 AUMF”), currently remain valid law.

(2) Recent presidential administrations have maintained that the 2002 AUMF only serves to “reinforce” any legal authority to combat ISIS provided by the Authorization for Use of Military Force (Public Law 107-40; 115 Stat. 224; 50 U.S.C. 1541), enacted September 18, 2001, and is not independently required to authorize any such activities.

(3) Repealing the 1991 AUMF and the 2002 AUMF would therefore not affect ongoing United States military operations.

(4) Since 2014, United States military forces have operated in Iraq at the request of the Government of Iraq for the sole purpose of supporting its efforts to combat ISIS, consistent with the Strategic Framework Agreement that Iraq and the United States signed on November 17, 2008.

(5) During a press briefing on December 24, 2020, Commander of the United States Central Command, General Frank McKenzie, reiterated that United States forces are in Iraq “at their invitation”.

(6) Secretary of State Antony J. Blinken and Prime Minister Mustafa Al-Kadhimi of Iraq discussed “the Iraqi government’s responsibility and commitment to protect U.S. and Coalition personnel in Iraq at the government’s invitation to fight ISIS” in a February 16, 2021, phone call.

(7) Secretary of Defense Lloyd J. Austin III stated on February 19, 2021, that he “welcomed that expanded NATO mission in Iraq that responds to the desires and aspirations of the Iraqi government”.

(8) In a February 23, 2021, call with Prime Minister Mustafa Al-Kadhimi of Iraq, President Joseph R. Biden affirmed United States